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C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 002187

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TAGS: [PREL](#) [PHUM](#) [PGOV](#) [UN](#) [KWBG](#) [IS](#)
SUBJECT: WHY THE GOI IS SO CONCERNED WITH KEEPING THE
GOLDSTONE REPORT OUT OF THE UNGA

REF: A. TEL AVIV 2167
[B.](#) TEL AVIV 2102
[C.](#) TEL AVIV 2099

Classified By: Ambassador James B. Cunningham, Reason 1.4 (b) (d)

[1.](#) (C) Summary. The past week's discussions with GOI officials about the Goldstone Report have revealed a neuralgic Israeli concern about preventing the report from moving from Geneva to New York. Israeli officials all the way up to PM Netanyahu have insisted that Israel is dead set against referral of the Report to either the UNGA or the Security Council. While the Council could take concrete action against Israel, Israelis would expect support under extreme circumstances from the U.S. and others. While any GA action would be toothless, Netanyahu has warned publicly, and heatedly in private, that endorsement of the Report by the GA would mean the end of the peace process. Many Israelis, not just on the Right, believe that the scope of the charges made in the Goldstone Report represents part of a broader campaign to use international humanitarian law as an instrument to de-legitimize the state of Israel and to deny Israel the right to self-defense from terrorist attack. Israelis are strongly critical of the prospect of war crimes charges being brought against Israeli military commanders and civilian political leaders, and what is seen here as the Report's grossly disproportionate treatment of the terrorists who provoked the Gaza Conflict, and the GOI which reluctantly intervened to stop and deter the attacks. But more important is Israel's absolute need to preserve its military deterrent against Hamas, Hizballah and other terrorist organizations in Gaza, Lebanon and perhaps in the future in the West Bank. While some of the Israeli rhetoric predicting dire consequences should the report move to New York was intended for effect, and may even have been intended to set the stage for a possible failure to begin negotiations which will be problematic for the Netanyahu government, the outrage over the PA's role in pushing a resolution in Geneva was genuine. Now that the PA has temporarily backed down, the question is whether someone other than the PA will attempt to pursue the matter despite the deferral in Geneva, and whether the GOI will be able to put this behind them and move on. The post-deferral uproar within the PA leadership also raises questions about a possible OIC or Arab Group effort to revive the resolution in the GA. End Summary.

[2.](#) (C) The Palestinian Authority's decision to defer consideration of its draft resolution at the UN Human Rights Council, along with the Organization of the Islamic Conference's decision to follow the PA lead, has deferred the impact of the Goldstone Report, but the issues raised in the report will not disappear from the international agenda. Given that the report's recommendations may still make their way onto the UNGA and Security Council agendas, both the depth of Israeli concern about the report and the logic behind their emotional response will continue to influence strongly Israeli views.

13. (C) In the past week, Israeli officials all the way up to PM Netanyahu have suggested that if the HRC votes to refer the Goldstone Report to either the UNSC or UNGA, this would constitute a fatal blow to the prospects of further Israeli withdrawals in the West Bank. Their concern about the Security Council stems from the Security Council's power to initiate an ICC investigation. The potential impact of consideration of the report by the General Assembly is less obvious, especially since Israel has lived for many years with a steady stream of condemnatory but ineffective anti-Israel UNGA resolutions.

14. (C) As reported in reftels, there are many reasons for Israel's extreme reaction to the Goldstone report. Netanyahu, Barak and an array of senior MFA and other officials have told us that the total impact of the report was seen as an attempt to delegitimize the State of Israel. They assert the Report unjustifiably calls into question Israel's democracy and the efficacy of its legal system as a means of undermining support for its existence - which many Likud members and others on the Right charge is the very goal of the Palestinians in the peace process. There is also a practical impact. Israel continues to see itself as surrounded by enemies bent on its destruction. Israel is able to hold its enemies at bay by means of its overwhelming military superiority as well as its demonstrated willingness to use massive force. Israelis argue that because of the asymmetric nature of the conflict with groups such as Hamas and Hizballah, which deliberately operate within and exploit civilian populations, international humanitarian law is being used by Israel's enemies to deprive Israel of its deterrent

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capability and hence of the means to defend itself.

15. (C) A case in point is Israel's 2005 withdrawal from Gaza. PM Netanyahu told Israeli media interviewers two weeks ago that the international community had applauded then-PM Sharon's decision to withdraw from Gaza and many world leaders had assured Sharon that if the withdrawal led to attacks on Israel from Gaza, there would be broad international sympathy for Israel's right to respond militarily. Netanyahu then noted that Gaza turned out far worse than anyone anticipated, resulting in three years of steadily escalating rocket attacks against increasingly large areas of southern Israel, but when Israel finally decided to use significant force to stop these attacks, it was faced with the Goldstone Report, which effectively dismissed the rocket attacks as the reason for Israel's operation and instead accused Israel of intentionally terrorizing Gaza's civilian population. Netanyahu, Defense Minister Barak, IDF Chief of General Staff Ashkenazi, and even the dovish President Peres have all responded publicly to the report by insisting that Israel cannot allow its hands to be tied in this manner. Since the General Assembly is the largest representative of the international community, even a non-binding UNGA resolution endorsing the report would serve to confirm to Israelis the international community's rejection of Israel's right to self-defense, and thereby embolden terrorism. Israel cannot be expected to withdraw militarily from more territory, and take more risks for peace under those circumstances, they say. What they mean is that they will not have the confidence to do so, and may suffer even greater loss of domestic political support should they try.

16. (C) Some of the Israeli rhetoric about the potentially devastating consequences of the report has been intentionally pumped up to register a point with us and others, including the moderate Arabs and Europeans. When it comes to the Palestinian Authority's leading role (until October 1) in promoting a resolution in Geneva endorsing the report and referring it to New York, however, our assessment is that the GOI was deadly serious in threatening to shut down cooperation across the board. Since the formation of the

Netanyahu government, GOI-PA have suffered from the lack of a political dialogue, as well as from Israeli anger at the PA's decision shortly after the end of Operation Cast Lead to request the International Criminal Court's prosecutor to investigate alleged war crimes. From the GOI's perspective, however, the PA's role in Geneva was even worse, in that the Israelis believed that the PA leadership had chosen to score high-profile political points at Israel's expense while dismissing the impact on Israeli-Palestinian cooperation, including on security issues. In the GOI's view, the PA's role in Geneva represented political irresponsibility of the highest order, and if it had continued, we do not doubt that Netanyahu was prepared to shut down all cooperation with the PA. The question now that the PA has blinked, for the time being at least, is whether the Netanyahu government will be able to get over it and move on. Given the intense criticism of Abu Mazen's decision to defer the resolution until March, there is also an open question of whether we will face the resolution in another forum in the near future.

CUNNINGHAM